



**In the
Indiana Supreme Court**

IN THE MATTER OF THE)	
)	
APPROVAL OF LOCAL RULES)	Case No. 53S00-0708-MS-312
)	
FOR MONROE COUNTY)	

ORDER APPROVING AMENDED LOCAL RULES

The Judges of the Monroe Circuit Court request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

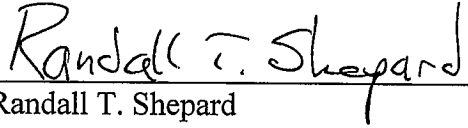
Upon examination of the proposed rule amendment requested by the Monroe Circuit Court, this Court finds that the proposed rule amendment, LR53-AR01-108 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR53-AR01-108 for Monroe County Circuit Court, set forth as an attachment to this Order, is approved effective upon approval. The Clerk of this Court is directed to post a copy of the amended rule on the Indiana Judicial Website. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Mary Ellen Diekhoff, Monroe Circuit Court, Div. 4, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Stephen R. Galvin, Monroe Circuit Court, Div. 6, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Teresa Harper, Monroe Circuit Court, 301 North College Avenue, Bloomington, IN 47404; the Hon. Francie Hill, Monroe Circuit Court, Div. 5, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. E. Michael Hoff, Monroe Circuit Court, Div. 1, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Marc R. Kellams,

Monroe Circuit Court, Div. 2, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Kenneth G. Todd, Monroe Circuit Court, Div. 3, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. David L. Welch, Monroe Circuit Court, Div. 7, 301 North College Avenue, Bloomington, IN 47404-3865 and to the Clerk of the Monroe Circuit Court.

The Clerk of the Monroe Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 10th day of August, 2007.



Randall T. Shepard
Chief Justice of Indiana

08/07/2007 10:13:01 FAX 16123492791 MONROE CIRCUIT COURT 002/002

STATE OF INDIANA)

)ss:

IN MONROE CIRCUIT COURT

COUNTY OF MONROE)

**REALLOCATION AND REASSIGNMENT OF CASES
FOR THE MONROE CIRCUIT COURT**

WHEREAS, the Board of Judges has approved the reallocation of case assignments, and

WHEREAS, the Board of Judges recommends the reallocation of cases to be effective January 1, 2007; and

WHEREAS, the Board of Judges has determined that the efficient administration of justice is better served by a reallocation of cases,

Comes now, the Presiding Judge on behalf of the Monroe Circuit Court Board of Judges and requests the Supreme Court approve Rule 2, Caseload Allocation as submitted.

61253-AR01-108

SO ORDERED THIS 6th DAY OF December, 2006.



Kenneth G. Todd, Presiding Judge
Monroe Circuit Court

RULE 2. CASELOAD ALLOCATION

A. Procedure. The Board of Judges shall:

1. Review and assess literature from the Indiana State Bar Association, the American Bar Association, and the National Center for State Courts.
2. Review and consider suggestions made by the Monroe County Bar, the Prosecuting Attorney and the Public Defender.
3. Review and analyze the statistics on current workload and caseload within the Monroe Circuit Court.
4. Analyze whether the current allocation is providing quality public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of personnel, time and resources to effectuate change. Caseload allocation shall be determined by judicial seniority.

B. Implementation. The Clerk of Monroe County shall maintain a random filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. If the caseload allocation is changed by order of the Board of Judges, the presiding judge shall forward the amended allocation to the Clerk of the Supreme Court and Court of Appeals, the State Court Administrator, the Clerk of Monroe Circuit Court, and the President of the Monroe County Bar Association. The current allocation follows:

1. Case Assignment The Clerk shall randomly assign all A, B, C, D felony and misdemeanor cases to Divisions II, III and V.

The Clerk shall randomly assign 50% of Civil cases to Division I, ~~25% to Division IV~~ and ~~25%~~ 50% to Division VI. Domestic relations cases shall be assigned randomly to Divisions I, IV, VI and VIII.

Probate, juvenile delinquencies, juvenile status, juvenile miscellaneous resulting from delinquent acts, juvenile paternity, adoptions, mental health and guardianship cases shall be assigned to Division VII.

Juvenile CHINS, juvenile miscellaneous filed by the Office of Family and Children, and juvenile terminations shall be assigned to Division VII.

Small claims cases shall be randomly assigned ~~25%~~ 50% to Divisions IV ~~and VI~~ and 50% to Division VIII.

Infraction cases shall be randomly assigned to Divisions II, III and V.

Protective order cases shall be assigned to Division I, IV, VI and VIII by random assignment.

If there exists a previously filed domestic relations case involving the parties to the Protective Order case, the Protective Order case shall be consolidated with the previously filed domestic relations case.

Reciprocal support cases shall be assigned to Divisions IV and VI.

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January 1, 2006

A redocketed case bearing a 1992 or earlier cause number shall be randomly assigned to circuit divisions overseeing that case type as specified in the Caseload

allocation (Rule 2) by the Clerk designated by case type for redocketed cases and shall remain with that division.

A redocketed case bearing a 1993 or later cause number shall be assigned to the Court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise, it will be randomly assigned to a division with that jurisdiction.

2. Case Refiled: If a case is dismissed without prejudice on a plaintiff's motion, and the same case is subsequently refiled by a plaintiff, the refiled case shall be assigned to the same Division of the Monroe Circuit Court in which the dismissed case was originally filed providing that division is overseeing that case type. If that division is no longer hearing that case type, then the Clerk will randomly assign that case to a division with jurisdiction. "Same case" shall mean substantially the same cause of action, arising out of the same transaction or occurrence, and between substantially the same parties. If such a refiled case is not initially refiled in the same division of the Monroe Circuit Court, then upon motion of any party or Court, it shall be transferred to the Division of the Monroe Circuit Court in which it was originally filed.

3. Case Recusal: The Court Reporter shall notify the Clerk of the cases in which judges recuse themselves. Credit will be provided to the new division assigned.

C. Case Consolidation. Cases filed which involve multiple-defendants arising out of same occurrence or multiple cases filed against the same defendant shall be consolidated and assigned to the division with the oldest cause number. Criminal cases shall be consolidated with the oldest pending cause number. Pending cases include defendants on Probation and in the Pre-Trial Diversion Program. Protective order cases shall be consolidated with related domestic relations cases.

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January 1, 2006

D. Case Transfer.

1. Any divorce, support or custody case filed or pending in Divisions I, IV, VI and VIII, while there is an active CHINS case pending in Division VII, shall be

transferred to Division VII. At the conclusion of the CHINS case, the divorce, support or custody case may be transferred back to the court of original jurisdiction.

2. Nothing in this Rule shall preclude the transfer of an individual case from one division of the Circuit Court to another division to promote efficiency and provide for timely resolution of cases. The transferring judge shall direct the Clerk to resubmit the case to a random filing system for assignment to another division, unless transfer to a specific division promotes judicial economy. Upon transfer, adjustments will be made in the Office of Court Services and the Clerk's office to maintain an equitable caseload allocation. This transfer procedure shall also be used when a judge disqualifies from a case pursuant to Trial Rule 79 ©, Indiana Rules of Trial Procedure.

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**THE MONROE CIRCUIT COURT
CASELOAD ALLOCATION**

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PROCEDURE

RULE 2: Caseload Allocation

SECTION I-A: Special Judges In Civil Cases Pursuant to Trial Rule 79 (H)

1. The judges of all the trial courts within Administrative District 10, as defined by Administrative Rule 3(A), have agreed to serve as special judges in civil cases when required by Trial Rule 79(H). The trial courts within Administrative District 10 are Owen Circuit Court; Monroe Circuit Court, Division 1 through and including 7; Lawrence Circuit Court; Lawrence Superior Court 1; Lawrence Superior Court 2; Green Circuit Court; and Greene Superior Court. By agreement of the trial judges within Administrative District 10, senior judges shall not be appointed, pursuant to Trial Rule 79(H), as special judges in civil cases.
2. To provide for a fair distribution of special judge appointments pursuant to Trial Rule 79(H), a Facilitator shall be selected by the judges of the above named courts to assign special judges in civil cases pursuant to Trial Rule 79(H) as needed. The first Facilitator shall be the judge of the Greene Superior Court who shall serve until January 15, 1997, or until such time as a subsequent Facilitator is selected. Facilitators shall be selected at a meeting of the judges of Administrative District 10 during meetings of the Indiana Judicial Conference in December, or upon call of one-third of the judges within the Administrative District.
3. A trial court requiring the appointment of a special judge pursuant to Trial Rule 79(H) shall seek the assignment of a special judge from the Facilitator who shall advise the court where the case is pending of the name of the next judge on the Assignment List of Judges. The Facilitator shall assign judges from the Assignment List of Judges in the following consecutive order: Owen Circuit Court, Lawrence Superior Court, Division 2; Monroe Circuit Court, Division 3; Monroe Circuit Court, Division 7; Lawrence Circuit Court; Monroe Circuit Court, Division 1; Greene Superior Court; Monroe Circuit Court, Division 2; Lawrence Superior Court, Division 1; Monroe Circuit Court, Division 4; Greene Circuit Court; Monroe Circuit Court, Division 5; and Monroe Circuit Court, Division 6. If the Court seeking the appointment of a special judge pursuant to Trial Rule 79(H) is the Facilitator's Court, the Facilitator will appoint the next consecutive judge from the Assignment List, omitting such Facilitator's own name. After receiving the assignment of a special judge from the Facilitator, the Court seeking the assignment shall appoint such judge as special judge pursuant to Trial Rule 79(H).
4. If no judge is eligible to serve as special judge or the particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court such case shall be certified in the Indiana Supreme Court.

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PROCEDURE

RULE 2: Caseload Allocation

SECTION I-B: Protective Order Cases

If there is a request for waiver of fees on a protective order case the Clerk will accept the filing and will immediately submit the file to judge of the division to which the protective order case was assigned. The file will be flagged as needing special attention.

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PROCEDURE

RULE 2: Caseload Allocation

SECTION I-C: Small Claims/Evictions/Ordinance Violations/
Proceedings Supplemental/Infractions

Small Claims: Small Claims are filed randomly between two ~~three~~ of the court divisions. A maximum of 150 new Small Claims will be filed during a week. The Clerk will set

hearings on the claims by filling the time slots as they appear on a calendar at the rate of 25 cases per hour. These hearings are set on the first available date within 30 - 45 days of the filing date. The Clerk will enter the case electronically and issue the service before sending the file to the Court.

Bulk Filings are limited to 25 a day and 50 week.

Evictions: Eviction cases are randomly assigned by the Clerk to division four, ~~division six~~ and division eight. The Clerk will enter the case data in JTS, issue a cause number and receipt for the plaintiff, mark the file as an eviction, tag the file with a marker requesting the Court to "Please set for hearing and return to Clerk." The Court sets the time within 15 to 45 days from the filing date. The case file is returned to the Clerk who issues service and completes the data entry in JTS.

Ordinance Violation: Ordinance Violation filings are limited to 25 a day and 50 a week. The City attorney will set their own hearing date and times in accordance with the Court docket.

Proceedings supplemental: Proceedings Supplemental are filed at the maximum rate of 75 cases per week. The Clerk will set all proceedings supplemental complying with the 21 to 45 day service requirements. The Clerk will execute the order to appear, input data into JTS, issue the service and send the file to the Court. Ordinance Violation Proceedings Supplemental are processed like small claim proceedings supplemental.

Infractions: Traffic tickets are filed in the Clerks Office by law enforcement. Traffic violations are assigned randomly to Division II, III and V. The prosecutor and clerk hold initial hearings each Thursday at 1:00 PM in Clerk's office.

At Initial Hearings, defendants either pay the citation, enroll in Infraction Diversion Program or are assigned a bench trial date. Jury trials are assigned to the Division of the initial case filing,

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PROCEDURE

RULE 2: Caseload Allocation

SECTION I-D: Special Judges in Criminal Cases

Special Judges in Criminal Cases shall be selected pursuant to Local Rule 2, Section I-A, Special Judges in Civil Cases Pursuant to Trial Rule 79 (H).

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